REMARKS/ARGUMENTS

In the Office Action dated December 13, 2007, pending Claims 1–12 and 14-21 were rejected. Claim 13 was canceled previously. The Office Action rejected Claims 1–7, 9–12, and 14-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,731,959 to Kumagai et al. ("Kumagai") in view of U.S. Patent No. 6,332,024 to Inoue et al ("Inoue"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Inoue and further in view of U.S. Patent No. 6,519,475 to Kim ("Kim"). Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application in light of the remarks and arguments below. The claims have been amended for clarity.

Independent Claim 1 recites a device including a body, a cover, and keys accessible when the cover is in a closed position, where one of the keys is multifunctional and in a position remote from other keys. The function of the multifunctional key of Claim 1 is dependent upon the state of the device, and for at least one state of the device operation of the multifunctional key controls the provision of information on the display. The multifunctional key, located on the cover, is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position.

Independent Claim 15 recites a device similar to Claim 1, but recites that the multifunctional button is the only key on the cover of the device.

The Kumagai patent discloses a telephone set body 15 having a display 12, a lid 17 and keys 32a, 32b, 30, 31 accessible when the cover is in the closed position (as shown in Fig. 5). The user is able to use the phone for communication when the phone is in the opened or closed positions.

As admitted in the Office Action, Kumagai does not disclose one of the keys being multifunctional. Rather, the keys 32a, 32b, 30, 31 disposed on the lid 17 of the telephone set body 15 each have a single pre-defined function. Keys 32a and 32b are telephone directory retrieving keys, key 30 is a transmitting button, and key 31 is a hook switch as described in Col. 4, lines 2-4. The Kumagai patent does not disclose a key that is remote from all other keys and, in fact teaches to the contrary by having keys that are in pairs on the lid 17. The Office Action

indicates that the keys of the Kumagai patent are arranged to be active when the cover is in the closed position and inactive when the cover is in the open position. Applicant respectfully disagrees. Nowhere in the Kumagai patent is the suggestion that the keys are in an active or inactive state relative to the position of the lid 17. Kumagai teaches away from this feature by indicating that the hook switch determines the operability of the transmitting button. "The hook switch is turned to provide an off-hook condition so that with the lid kept closed the user can talk over the telephone...and depresses the transmitting button to transmit a calling signal." Col. 4, lines 44-47 and 51. There is no indication that the function of the keys is dependent upon the open or closed position of the device and one of ordinary skill in the art would be led to believe that the hook switch, when turned to provide an off-hook condition leads to the same functionality of the device as if it were in the open position which would necessitate the keys to be operable in the open position.

Regarding the Kumagai patent, the Examiner indicates in the Office Action that "the user is able to use the telephone directory key 32a and/or 32b to retrieve party's phone numbers by scrolling up and/or down; and when the cover 17 of the device is in the opened position, the user uses key pad section 13 (see Figure. 4, column 3, lines 21 to 25). Therefore the key 32a and/or 32b is arrange to be active when the cover 17 is in the closed position and inactive when the cover 17 is in the open position." Applicant respectfully disagrees. Nowhere in the disclosure of Kumagai is the suggestion that the keys on the cover of the device are inactive when the device is in the open position. Despite a user being able to scroll through a telephone directory using the key pad section when the device is in the open position, a user may also be able to use 32a and 32b without the explicit indication that these keys cease to be functional.

The Inoue patent discloses a device comprising a main soft key 3, a first auxiliary soft key 4A and a second auxiliary soft key 4B whose functions change according to a set situation; Col. 5, lines 27-29. The Inoue patent further discloses "a ten-key and a power key located below the main soft key and the auxiliary soft key on the control panel surface", Col 2, lines 26-28. The Inoue patent discloses a device that has a flip capable of being positioned in an open or closed state, but the operability of the multifunction soft keys are independent of this position: "wherein ordinary operations are carried out using the main soft key or the auxiliary soft key while the flip

is in a closed state", Col. 2, lines 29-31. Inoue further states "the main soft key and the auxiliary soft key are generally operated while keeping the flip closed." Inoue suggests that the function of the soft keys does not change with the position of the flip or cover, but rather the flip merely serves to prevent unintentional entry of data with the ten-key. The soft keys are active regardless of the state of the flip or cover.

Neither Kumagai nor Inoue, alone or in combination teach or suggest a button or key located remotely from the other buttons or keys nor do they teach or suggest a multifunctional key being the only key disposed on a first surface of a cover. Independent Claim 1 of the present application recites the multifunctional key being "in a position remote from all other keys." Independent Claim 15 of the present application recites the multifunctional key being "the only key disposed on a first surface of the cover".

Neither Kumagai nor Inoue teach or suggest a key arranged to be active when the cover is in the closed position and inactive when the cover is in the open position as claimed in independent Claims 1 and 15. Thus, the combination of Kumagai and Inoue cannot teach or suggest Claim 1 or Claim 15.

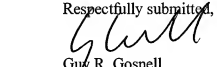
CONCLUSION

In view of the remarks and amendments presented above, it is respectfully submitted that Claims 1 and 15 and all the claims depending therefrom (*i.e.*, Claims 2–12, 14, 16-21) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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